

Docket: CU-2571



COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

- ☐ original
- ☐ design
- ☐ supplemental

Note: If the Declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☒ national stage of PCT

Note: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

TOOL HANDLE

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

☐ (a) is attached hereto.

☐ (b) was filed on _____ as ☐ Serial No. _____ or

☐ Express Mail No. *(as Serial No. not yet known)* _____

and was amended on _____ *(if applicable)*.

Note: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the Declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental Declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

☒ (c) was described and claimed in PCT International Application No. PCT/SE99/02311 filed on 10 December 1999.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56;

(also check the following items, if desired)

☐ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☐ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

☐ (d) no such applications have been filed.

☒ (e) such applications have been filed as follows.

Note: Where item (c) is entered above and the international application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT	APPLICATION NUMBER	DATE OF FILING (day/month/year)	PRIORITY CLAIMED UNDER 35 USC 119
Sweden	9804480-3	22 December 1998	<input checked="" type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER	FILING DATE

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Note: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith (*list name and registration number*).

Thomas F. Peterson, 24790; Richard J. Streit, 25765; Donald P. Reynolds, 26220; W. Dennis Drehkoff, 27193; Vangelis Economou, 32341; Brian W. Hameder, 45613; Valerie Neymeyer-Tynkov, Reg. 46956; Paul B. West, 18947; Joseph H. Handelman, 26179; Peter D. Galloway, 27885; John Richards, 31503; Iain C. Baillie, 24090; Richard P. Berg, 28145

☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:

Thomas F. Peterson
c/o Ladas & Parry
224 South Michigan Avenue
Suite 1200
Chicago, Illinois 60604

DIRECT TELEPHONE CALLS TO:

(*Name and telephone number*)

(312) 427-1300

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Note: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of first inventor

Stefan

(Given Name)

(Middle Initial or Name)

CARLSSON

(Family (or Last) Name)

X
X
Inventor's signature

Date 01/22/23

Country of Citizenship Sweden

Residence Bankeryd, Sweden

Post Office Address Sjöåkravägen 69, SE-564 31 Bankeryd, Sweden

Full name of second joint inventor

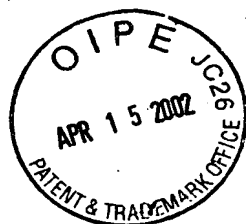
Jacek CHALAS
(Given Name) (Middle Initial or Name) (Family (or Last) Name)

Inventor's signature _____

Date _____ **Country of Citizenship** Sweden

Residence Malmö, Sweden

Post Office Address Söderåsgatan 141, SE-216 17 Malmö, Sweden



Practitioner's Docket No. CU-2571

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))

I, Mats BJELKSJÖ
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

hereby declare that:

I. I am a citizen of Sweden,
residing at c/o ANZA AB
P.O. Box 133, SE-564 23 Bankeryd, Sweden

II. I
☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary interest,

(complete the following information, if applicable):

ANZA AB
Name of assignee or entity having sufficient proprietary interest
P.O. Box 133, SE-564 23, Bankeryd, Sweden
Address of assignee or entity having sufficient proprietary interest

Title of person executing this declaration and authorization to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Full name of (first, second, etc.) Jacek CHALAS
nonsigning inventor who

☒ refused to sign.
☐ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Sweden
Country of Citizenship of nonsigning inventor
Söderåsgatan 141
Last known address of nonsigning inventor
SE-216 17 Malmö, Sweden

NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts In Support of Filing on Behalf of Nonsigning Inventor). M.P.E.P. § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 C.F.R. § 1.64(b).

V. Accompanying this declaration is:

- (1) A STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR,
- (2) A STATEMENT BY PERSON SIGNING ON BEHALF OF NONSIGNING INVENTOR ESTABLISHING PROPRIETARY INTEREST,

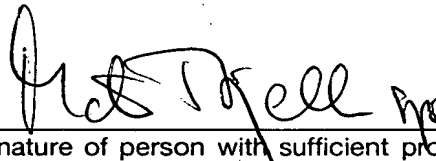
to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

- (3) the petition fee of \$130.00. (37 C.F.R. § 1.17(i))

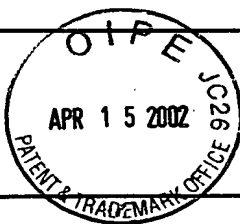
Date: ^X

April 2, 2002



/Mats BJELKSJÖ, Managing Director

Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity



UNITED STATES OF AMERICA
ASSIGNMENT

WHEREAS:

Stefan CARLSSON
Sjöåkravägen 69
SE-564 31 Bankeryd, Sweden

Jacek CHALAS
Söderåsgatan 141
SE-216 17 Malmö, Sweden

(hereinafter referred to as ASSIGNOR), have invented a certain invention entitled: TOOL HANDLE for which application for Letters Patent of the United States has been designated under the Patent Cooperation Treaty, effective 10 December 1999, International Application No. PCT/SE99/02311, filed 10 December 1999,

WHEREAS:

ANZA AB
P.O. Box 133
SE-564, Bankeryd, Sweden

(hereinafter referred to as ASSIGNEE), is desirous of acquiring the entire interest in, to and under said invention in the United States and the Letters Patent to be obtained therefore;

NOW THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that in consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration, ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the full and exclusive right, title and interest to said invention in the United States and the Letters Patent to be obtained therefor on said application or any continuation, division, renewal, substitute or reissue thereof for the full term or terms for which the same may be granted.


ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment and sale;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent as may be known and accessible to ASSIGNOR and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain and enforce said application, said invention and said Letters Patent which may be necessary or desirable to carry out the purposes hereof.

IN WITNESS WHEREOF, we have set our hand and seal

2002-11-23

Date _____


S. S. CARLSSON

Stefan CARLSSON

Date _____

Jacek CHALAS

0699P/2



ALBIHNS

International IP & Law Offices

PATENT
ÖVERLÅTELSE
Patentansökning - Prioritet - Patent

Härmed förklarar jag, att jag överlåtit på

ANZA AB, BANKERYD

hela min globala rätt

a) TILL en uppfinning gjord av

Jacek CHALAS
Stefan CARLSSON

och avseende
HANDTAG TILL VERKTYG

varpå ansökning om patent ingivits i Sverige
under nr 9804480-3,
innefattande den mig tillkommande rätten till
skadestånd, som kan hänföras till intrång begånget före
patentets beviljande.

b) TILL prioritet enligt den internationella
konventionen till skydd för den industriella
äganderätten på grund av nämnda ansökning om
patent

i Sverige nr 9804480-3

av den 22 december 1998

innefattande den mig tillkommande rätt till skadestånd,
som kan hänföras till intrång begånget före anteckning
av överlåtelsen i patentregistret.

PATENTS
ASSIGNMENT
Patent Application - Priority - Patent

I hereby declare that I have assigned to

ANZA AB, BANKERYD

my entire worldwide right

a) TO obtain a patent on an invention made by

Jacek CHALAS
Stefan CARLSSON

and relating to
TOOL HANDLE

as described in the Swedish patent application filed
under No. 9804480-3,
including my right to accrued damages, if any,
referring to infringement during the time preceding the
grant of the patent.

b) TO priority pursuant to the provisions of the
International Convention for the Protection of
Industrial Property and based on the application for
patent

in Sweden No. 9804480-3

of 22 December 1998

including my right to accrued damages, if any,
referring to infringement during the time preceding the
recording of the assignment in the Patent Register.

Ort och datum

Place and date

Malmö 2000.02.29

Överlåtares underskrift

Signature of assignor

Jacek Chalas

Överlåtares namn med maskinskrift

Typewritten name of assignor

Överlåtares adress

Söderåsgatan 141, SE-216 17 MALMÖ, Sweden

Address of assignor

**This is to certify that the present copy
is in agreement with the original**

Malmö *Stefan Carlsson*

ALBIHNS PATENTBYRÅ MALMÖ AB

Box 4289 • Stora Nygatan 29 • S-203 14 MALMÖ • SWEDEN

Tel: +46-(0)40-690 54 00 • Fax: +46-(0)40-611 96 89 • E-mail: info.malmo@albihns.se





711518

Practitioner's Docket No. CU-2571

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: CARLSSON, Stefan and CHALAS, Jacek

For: TOOL HANDLE

(check and complete (a), (b); or (c)).

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☐ was filed on _____ as Application No. _____
/ _____ and was amended on _____ (if applicable).
- (c) ☒ was described and claimed in International Application No. PCT/SE99/02311
filed on 10.12.1999 and as amended on _____
_____ (if any).

**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**

I, I,

Mats BJELKSJÖ

Name of person making statement

c/o ANZA AB

Residing at

P.O. Box 133, SE-564 23 Bankeryd, Sweden

am the person signing the declaration on the above-identified application on behalf of the nonsigning inventor and make this statement as to the facts establishing my proprietary interest.

II. As of the date I signed the declaration for this application, the proprietary interest in this invention:

(check one)

☐ belonged to me.

☒ belonged to the following juristic person:

ANZA AB

Name of company or other juristic person

P.O. Box 133, SE-564 23 Bankeryd, Sweden

Address of company or other juristic person

and I am authorized to sign the statement on behalf of the juristic person, my title being

(type or print title of person making statement in corporation or juristic person)

Managing Director

NOTE: A person with sufficient proprietary interest may authorize any person, including an attorney or agent registered to practice before the PTO, to sign the application papers on its behalf. Where this happens proof of this authority in the form of a statement signed by an appropriate official of the corporation or juristic person must be submitted. M.P.E.P. § 409.03(b), 7th ed.

NOTE: An inventor may not authorize another individual to act as his agent to sign the declaration papers although he or she can authorize the filing of the application if he or she later makes the declaration. 37 C.F.R. § 1.41(c) and M.P.E.P. § 409.03(b), 7th ed.

III. A. I establish the proprietary interest by

(check and complete (d) or (e))

NOTE: Documents that are not in the English language should be accompanied by an English translation. M.P.E.P. § 409.03(f), 7th ed.

- (d) ☒ attaching a copy of the assignment of this invention by the nonsigning inventor.
(e) ☐ attaching a copy of the agreement whereby the nonsigning inventor agreed to assign this invention.

NOTE: A typical agreement to assign includes the employment agreement whereby the nonsigning inventor agreed to assign all his inventions to his or her employer. If an agreement to assign is dependent on certain specified conditions being met, it must be established in this statement that those conditions have been met. M.P.E.P. § 409.03(f), 7th ed.

OR

- B. ☐ Although there is no assignment or written agreement to assign, a sufficient proprietary interest is demonstrated by the attached legal memorandum establishing that a court of competent jurisdiction would, by the weight of authority in that jurisdiction, award title in the invention to me or the legal entity on whose behalf I have authority to sign.

NOTE: There should be filed a STATEMENT BY PERSON HAVING FIRST HAND KNOWLEDGE THAT NONSIGNING INVENTOR WAS EMPLOYEE OR OTHERWISE OBLIGATED TO PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHEN INVENTION MADE.

NOTE: If the assignment being submitted is to be recorded, it should be submitted with an ASSIGNMENT (DOCUMENT) COVER SHEET or Form PTO 1595.

IV. ASSIGNEE'S STATEMENT

In accordance with 37 C.F.R. § 3.73, the assignee hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

V. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)).

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar that should identify the act or publication believed to constitute the bar or (2) make a claim for priority, which should identify the prior application(s) involved. M.P.E.P. § 409.03(g), 7th ed.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the omitted inventor or that a firm plan for commercialization of the subject matter of the application has been adopted. M.P.E.P. § 409.03(g), 7th ed.

NOTE: This section may be omitted if it is completed in the Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor.

(use Supplemental Page(s) if necessary)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor [1-7])

—page 2 of 3)

Date: April 2, 2002

Mats Bjelksjö Mats BJELKSJÖ, Managing Director
Signature of person making statement

Copy of
☒ Plus Assignment added page(s)

(Statement Establishing Proprietary Interest by Person Signing on Behalf of Nonsigning Inventor **[1-7]**
—page 3 of 3)



P11518

Practitioner's Docket No. CU-2571**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: CARLSSON, Stefan and CHALAS, JacekFor: TOOL HANDLE

the specification of which:

(check and complete (a), (b), or (c))

- (a) ☐ is attached hereto.
- (b) ☐ was filed on _____, as Application Serial No. 0 / _____ and was amended on _____ (if applicable).
- (c) ☒ was described and claimed in International Application No. PCT/SE99/02311 filed on 10.12.1999 and as amended on _____ (if any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NONSIGNING INVENTOR (37 C.F.R. § 1.47)**

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before deposit thereof in the Patent and Trademark Office.

(check next item, if applicable)

- ☒ Because signing on behalf of the nonsigning inventor is by a person or entity showing a sufficient proprietary interest, this statement also recites facts as to why this action was necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

BJELKSJÖ, Mats

Name

c/o ANZA AB

Address

P.O. Box 133, SE-564 23 Bankeryd, Sweden

**EFFORTS DURING CONVENTION YEAR TO PREPARE APPLICATION AND
OBTAIN INVENTOR'S SIGNATURE**

NOTE: *In cases where priority under 35 U.S.C. § 119 is to be claimed, the 37 C.F.R. § 1.47 applicant should explain what efforts, if any, were made during the Convention year to prepare the application and obtain the inventor's signature thereon. The period allowed by the Convention year should "be sufficient for the preparation and deposit of an application . . . in the form required by the rules." . . . Accordingly, 37 C.F.R. § 1.47 may not be used "to save the parties from the consequences of their delay." M.P.E.P. § 409.03(d), 7th ed.*

(use Supplemental Page(s), if necessary)

LAST KNOWN ADDRESS OF THE NONSIGNING INVENTOR

NOTE: *The last known address of the nonsigning inventor must be stated so that the PTO can forward the notice of filing of the application to the nonsigning inventor at said address. (37 C.F.R. § 1.47). A post office box is insufficient. M.P.E.P. § 409.03(e), 6th ed.*

CHALAS, Jacek

Full name of nonsigning inventor

Söderåsgatan 141, SE-216 17 Malmö, Sweden

Last known address of nonsigning inventor

NOTE: *Ordinarily, the last known address will be the last known residence of the nonsigning inventor, but other addresses at which the nonsigning inventor may be reached should also be given in the space below. M.P.E.P. § 409.03(e), 6th ed.*

DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR

NOTE: *Complete either these facts or the facts as to REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS.*

NOTE: *In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to M.P.E.P. § 409.03(d), 7th ed. conclusions.*

(use Supplemental Page(s), if necessary)

DETAILS OF REFUSAL OF NONSIGNING INVENTOR TO SIGN APPLICATION PAPERS

NOTE: Complete either these facts or the facts as to *DETAILS OF EFFORTS TO REACH NONSIGNING INVENTOR*.

NOTE: The circumstances of this refusal must be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventor for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. The time and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventor that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Where there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Whenever the nonsigning inventor gives a reason for refusing to sign the application papers, that reason should be stated. M.P.E.P. § 409.03(d), 7th ed.

See separate page.

(use Supplemental Page(s), if necessary)

**PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE
OR PRESERVE THE RIGHTS OF THE PARTIES**

NOTE: *This proof must be presented where the declaration is signed by a person with sufficient proprietary interest for the nonsigning inventor (37 C.F.R. § 1.47(b)), but is not a requirement when the person signing for the nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).*

If a statutory bar is involved, the act or publication which is believed to constitute the bar should be identified. If a claim for priority is involved, the prior application or applications should be identified.

A diligent effort to prepare the application and obtain the inventor's signature thereon must be made, even if the application is being filed to avoid a bar or to claim priority. M.P.E.P. § 409.03(g), 7th ed.

Irreparable damage may be established by showing that a filing date is necessary to (1) avoid a statutory bar or (2) make a claim for priority, which should identify the prior application(s) involved.

Preservation of the rights of the parties may be demonstrated by a showing that the nonsigning inventor may reasonably be expected to enter into competition with the person having a proprietary interest and signing on behalf of the nonsigning inventor or that a firm plan for commercialization of the subject matter of the application has been adopted.

M.P.E.P. § 409.03(g), 7th ed.

*(if this proof is not needed and not being presented,
then draw a line through this page of the form.)*

(use Supplemental Page(s), if necessary)

Date: April 2, 2002

W. S. Thell Jr
Signature of person making statement

☐ Plus _____ Added Page(s)